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Frank C. Eisenschenk, Ph.D., Patent Attorney

Examining Group 1614  
Patent Application  
Docket No. G-089US03REG  
Serial No. 09/751,877

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Cybille Delacroix-Muirheid  
Art Unit : 1614  
Applicants : Frances Yen-Potin, Blake Denison, Barbara A. Bour, Bernard Bihain, Jean-Baptiste Dumas Milne Edwards, Aymeric Duclert, Lydie Bougueleret, Dana Ebbets-Reed, Luisa Salter-Cid  
Serial No. : 09/751,877  
Filed : December 28, 2000  
Conf. No. : 8851  
For : Methods and Compositions for Inhibiting Neoplastic Cell Growth

Assistant Commissioner for Patents  
Washington, D.C. 20231

DECLARATION

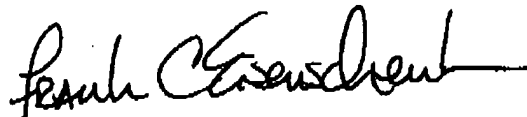
Sir:

FRANK CHRISTOPHER EISENSCHENK, Ph.D., Applicants' representative in the above-referenced patent application, hereby declares:

THAT, the following deposited material: DNA (having Deposit Reference No. 99061735), has been accepted for deposit at the European Collection of Cell Cultures (ECACC) on 17 June 1999 under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure (e.g., see 961 OG 21, 1977) and that all restrictions on the availability to the public of the materials so deposited will be irrevocably removed upon the granting of a patent disclosing the deposit.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Further declarant sayeth naught.



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FCE/sl



**Centre for Applied Microbiology and Research  
&  
European Collection of Cell Cultures**

This document certifies that DNA  
(Deposit Ref. 99061735) has been accepted as a patent deposit,  
in accordance with  
The Budapest Treaty of 1977,  
with the European Collection of Cell Cultures on 17<sup>TH</sup> June 1999

..... *P. J. Packer* .....  
Dr P J Packer  
Quality Manager, ECACC

CAMR

European Collection of Cell Cultures, CAMR, Salisbury, Wiltshire SP4 0JG UK

Received from &lt;352 372 5800&gt; at 4/4/03 3:46:22 PM [Eastern Standard Time] 611315 Email: ecacc@camr.org.uk Web Site: ecacc.org.uk

## APPENDIX 3

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BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO

GENSET SA  
24 RUE ROYALE  
F-75008 PARIS  
FRANCENAME AND ADDRESS  
OF DEPOSITOR

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR:  SIGNAL TAG 15061999	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY:  99061735
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I above was accompanied by:	
<input checked="" type="checkbox"/> A scientific description	
<input type="checkbox"/> A proposed taxonomic designation	
(Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depository Authority accepts the microorganism identified under I above, which was received by it on 17 <sup>th</sup> June 1999 (date of the original deposit) <sup>1</sup>	
<b>IV. RECEIPT OF REQUEST FOR CONVERSION</b>	
The microorganism identified under I above was received by this International Depository Authority on (date of the original deposit) and A request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion)	
<b>IV. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
Name: Dr P J Packer  Address: ECACC CAMR Porton Down Salisbury SP4 0JG	Signature(s) of person(s) having the power to represent the International Depository Authority or of authorized official(s):  Date: 6/2/01 PJP

1 Where Rule 6.4(d) applies, such date is the date on which the status of international depository  
authority was acquired

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BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE

## INTERNATIONAL FORM

TO

GENSET SA  
24 RUE ROYALE  
F-75008 PARIS  
FRANCEVIABILITY STATEMENT  
Issued pursuant to Rule 10.2 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
identified on the following pageNAME AND ADDRESS OF THE PARTY  
TO WHOM THE VIABILITY OF STATEMENT  
IS ISSUED

<b>I. DEPOSITOR</b>	<b>II. IDENTIFICATION OF THE MICROORGANISM</b>
Name: GENSET SA  Address: 24 RUE ROYALE F-75008 PARIS FRANCE	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY:  99061735  Date of the deposit or of the transfer: 17 <sup>th</sup> June 1999
<b>II. VIABILITY STATEMENT</b>	
The viability of the microorganism identified under II above was tested on <sup>1</sup> . On that date, the said microorganism was  <input checked="checked" type="checkbox"/> viable  <input type="checkbox"/> no longer viable	

- 1 Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most relevant date (date of the new deposit or date of the transfer).
- 2 In the cases referred to in Rule 10.2 (a) (ii) and (iii), refer to the most recent viability test.
- 3 Mark with a cross the applicable box.

## Appendix 3

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IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED <sup>4</sup>	
SIGNAL TAG 15061999 - 99061735 THE CELLS WERE SHOWN TO BE VIABLE AS DESCRIBED IN THE GENSET PROTOCOL.	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: Dr P J Packer ECACC CAMR Address: Porton Down Salisbury Wiltshire SP4 0JG	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 6/26/01 PJP

<sup>4</sup> Fill in if the information has been requested and if the results of the test were negative.